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Serial No. 10/662,542

REMARKS

This amendment is responsive to the office action dated March 8, 2004.

Claims 1-18 were pending in the application. Claims 1-6, 8-15, 17 and 18 were rejected. Claims 7 and 16 were objected to. No claims were allowed by the Examiner.

By way of this amendment, the Applicant has amended the Priority Claim and Abstract sections of the specification. Additionally, a corrected declaration has been filed.

Claims 1, 5, 10 and 14 have been amended. Claims 2-4, 6-9, 11-13 and 15-18 remain unchanged.

Accordingly, Claims 1-18 are currently pending.

I. REJECTION OF CLAIMS UNDER 35 USC 102

Claims 1, 6, 10 and 15 were rejected under 35 USC 102(e), as being anticipated by US Publication No. 2003/0145564 (Chang). The Examiner stated that the Chang reference discloses a stirrup assembly including a top plate, a mounting plate, a foot plate and screw fasteners extending through the mounting plate and the foot plate and that the Chang reference therefore anticipates the claims of the present invention.

The claims of the present invention however are directed to an insert for installation into a rigid stirrup assembly to enhance the traction of the stirrup for equestrian jumping purposes. Specifically, the present invention, as disclosed in the claims as amended, is directed to an insert that is installed into a stirrup and rigidly fastened thereto. Further, the yoke and foot plate of the stirrup are also rigidly attached to one another preventing any displacement between these two components. The traction plate is installed directly onto the top of the foot plate and the mounting plate is installed directly beneath the foot plate and fasteners are installed to tightly attach the mounting plate and traction plate to one another and to the foot plate of the stirrup. This assembly creates a completely rigid stirrup with greatly enhanced traction and a much firmer platform for the rider. This is a critical element of the present invention that makes it useful for equestrian jumping. Specifically, the claims have been amended to include limitations wherein the yoke is rigidly attached to the foot plate of the stirrup and

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the traction insert assembly is rigidly attached to the foot plate. Further, in claims 4 and 14 where a gasket material is provided, the only purpose of the gasket is to enhance the friction and rigidity of the connection between the traction insert assembly and the foot plate of the stirrup.

All of these features are absolutely necessary for the present invention to be effective. If the traction plate is allowed to move relative to the stirrup a potentially dangerous condition is created wherein a rider may receive a severe injury or be thrown from the horse when the traction plate moved.

In contrast the invention in Chang is designed to add as much flexibility and relative displacement as possible between all of the stirrup elements. The Chang reference provides for the yoke 16 to be flexibly connected to the foot plate 14 using flexible connections 96. This connection detail introduces a large degree of lateral movement between the yoke and the foot plate. Further, Chang provides for a soft, compressible shock absorber pad 46 between the traction plate 98 and the foot plate 14. The foot plate is allowed a large degree of movement relative to the foot plate. All of the surfaces of the top of the foot plate and bottom of the shock absorber pad are curved and configured to slip and rotate relative to one another. Further, the shock absorber pad is manufactured with a large void therein to increase its compressibility providing additional freedom for vertical displacement of the traction plate.

All of these elements that are specifically tailored to introduce various degrees of movement and freedom into the stirrup enhance its ability to operate as a shock absorber but greatly detract from the stirrups function in equestrian jumping. The Chang disclosure specifically teaches away from the disclosure of the present invention. Further, the present invention includes claim limitations in the claims as amended that are clearly not shown, disclosed or referred to in the Chang reference. Accordingly, Chang cannot anticipate the present invention and this rejection under §102 cannot be maintained. Reconsideration and withdrawal of the rejection is respectfully solicited.

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II. REJECTION OF CLAIMS UNDER 35 USC 103

Claims 2 and 11 were rejected under 35 USC 103(a) as being unpatentable over Chang. The Examiner has stated that although Chang does not demonstrate that the traction plate is aluminum, it would have been an obvious material for such a use and that the present invention is obvious in light of this knowledge.

As stated above in the comments in light of Chang alone, the device in Chang is largely deficient in disclosure related to several critical elements of the present invention. Specifically, the Chang device provides a number of connections that are configured to introduce displacement and freedom of movement. This disclosure specifically teaches away from the disclosure of the present invention. Even if the traction plate in the Chang device were manufactured from aluminum, the Chang device would not fully disclose the limitations in the claims of the present invention as amended. Accordingly, the Chang reference cannot render the present invention obvious.

Reconsideration of claims 2 and 11- is respectfully solicited.

Claims 2-5, 8, 9, 12-14, 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over Chang in view of US Patent No. 6,062,007 (Cargill). The Examiner stated that Chang discloses all of the limitations of the present invention and that while Chang does not disclose that the traction plate is milled, that the traction plate includes notches at the ends thereof and that a compressible pad is installed beneath the traction pad, Cargill discloses all of these elements and that the present invention is obvious in view of these reference taken in combination.

As stated above in the comments in light of Chang alone, the device in Chang is largely deficient in disclosure related to several critical elements of the present invention. Specifically, the Chang device provides a number of connections that are configured to introduce displacement and freedom of movement. This disclosure specifically teaches away from the disclosure of the present invention wherein the entire disclosure and

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construction of the device is directed at maintaining a completely rigid relationship between all of the elements of the stirrup. Even if the stirrup in the Chang device were combined with the various elements from the Cargill disclosure, the combined device would not fully disclose the limitations in the claims of the present invention as amended. Accordingly, the cited references either alone or in combination cannot be used to render the present invention obvious.

Reconsideration of claims 2-5, 8, 9, 12-14, 17 and 18 is respectfully solicited

III. ALLOWABLE SUBJECT MATTER

The Examiner indicated that Claims 7 and 16 were objected to as being dependent on rejected base claims but would be allowable if rewritten into dependent form. In view of the comments above and the amendments to the base claims, the Applicant believes the base claims to now be allowable. Accordingly, Applicant requests withdrawal of this objection.

IV. OBJECTION TO THE SPECIFICATION

The Examiner objected to the specification stating that the claim to priority needed to be revised to correctly reflect the relationship between the present application and the prior application. The Applicant has made the correction suggested by the Examiner and withdrawal of this objection is requested.

V. OBJECTION TO THE ABSTRACT

The Examiner objected to the specification stating that the language "is provided" needed to be deleted from the first line of the Abstract. The Applicant has made the correction suggested by the Examiner and withdrawal of this objection is requested.

VI. OBJECTION TO THE DECLARATION

The Examiner objected to the declaration stating that the declaration was not dated. The Applicant has enclosed a corrected declaration for entry into the file. Withdrawal of this objection is requested.

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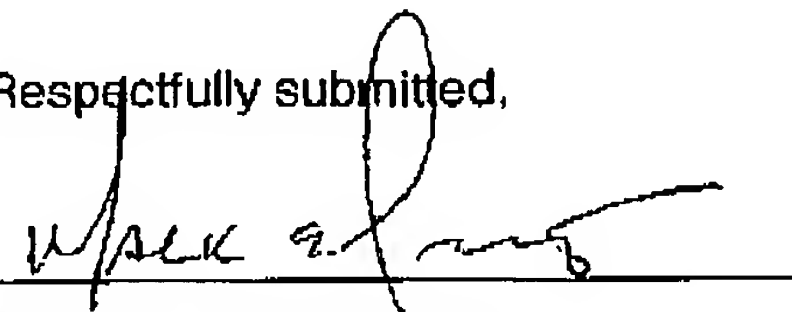
VII. CONCLUSION

Accordingly, claims 1-18 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



Mark E. Tetreault, Esq.
Reg. No. 48,289

BARLOW, JOSEPHS & HOLMES, Ltd.
101 Dyer Street, 5th Floor
Providence, RI 02903
(401) 273-4446 (tel)
(401) 273-4447 (fax)
met@barjos.com